

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JULIO CHRISTIAN,
Plaintiff

v.

MARK GARMAN, *et al.*,
Defendants

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No. 1:20-cv-1842

(Judge Rambo)

ORDER

AND NOW, on this 17th day of March 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendants' motion to dismiss (Doc. No. 19) is **GRANTED**;
2. The following claims are **DISMISSED WITH PREJUDICE**: (1) Plaintiff's claims against Defendant Wolf; (2) his First Amendment retaliation and access to the courts claims; (3) his Eighth Amendment claims concerning the conditions of confinement imposed as a result of the COVID-19 pandemic; and (4) his Fourteenth Amendment due process claims;
3. The following claims are **DISMISSED WITHOUT PREJUDICE**: (1) Plaintiff's Eighth Amendment claims regarding denial of medical care, denial of recreation, and denial of a daily snack bag; and (2) his Fourteenth Amendment equal protection claims. Plaintiff may file an amended complaint with respect to these claims within thirty (30) days of the date of this Order. If Plaintiff elects to file an amended complaint, Plaintiff is advised to adhere to the standards set forth in the Federal Rules of Civil Procedure and the directives set forth by this Court in its accompanying Memorandum. Specifically, the amended complaint must be complete in all respects. It must be a new pleading which stands by itself without reference to the original complaint or any other documents already filed. The amended complaint should set forth Plaintiff's claims in short, concise and plain statements as required by Rule 8 of the Federal Rules of Civil Procedure. Each paragraph should be numbered. The amended complaint

should specify which actions are alleged as to which defendants and sufficiently allege personal involvement of the defendant in the acts which Plaintiff claims violated his rights. Mere conclusory allegations will not set forth cognizable claims;

4. The Clerk of Court is directed to mail Plaintiff a civil rights complaint form; and
5. If Plaintiff fails to file an amended complaint within thirty (30) days of the date of this Order, the Court will dismiss this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

s/ Sylvia H. Rambo
United States District Judge